

Pepper Hamilton LLP
Attorneys at Law

1313 N. Market Street
Suite 5100
Wilmington, DE 19899-1709
302.777.6500
Fax 302.421.8390

Christopher B. Chuff
direct dial: (302) 777-6547
chuffc@pepperlaw.com

November 29, 2017

BY CM/ECF AND HAND DELIVERY

The Honorable Richard G. Andrews
United States District Court, District of Delaware
844 N. King Street
Wilmington, DE 19801-3556

Re: *Shabazz v. Delaware Department of Correction, et al.*, C.A. No. 16-570-RGA

Dear Judge Andrews:

In accordance with this Court's November 27, 2017 Oral Order, we write to provide the Court with a status update in the above-captioned case. This status update was prepared by Plaintiff's counsel and approved by counsel for all parties.

Plaintiff Abdul-Haqq Shabazz underwent surgery for the glaucoma in his right eye on October 9, 2017. The surgery was performed by Dr. Stewart Gregory Smith of the Delaware Eye Surgeons in Wilmington, Delaware. The Delaware Department of Correction ("DDOC") and Connections Community Support Programs, Inc. ("CCSP") assisted with scheduling the surgery and arranging for transport.

During Mr. Shabazz's post-operative care appointment on October 10, 2017, Dr. Smith indicated in his preliminary assessment that the surgery had successfully reduced the pressure in Mr. Shabazz's right eye. However, Dr. Smith also indicated that it would take approximately three (3) months for Mr. Shabazz's eye to heal completely. Dr. Smith stated that once Mr. Shabazz's eye is healed, he will be able to provide a full assessment of the results of the surgery and the treatment/accommodations Mr. Shabazz will need going forward. Dr. Smith noted that the surgery is not expected to improve Mr. Shabazz's vision, but rather preserve Mr. Shabazz's current vision by preventing further deterioration.

Discovery is ongoing in this case. Plaintiff served interrogatories and requests for production on all Defendants on July 13, 2017, as well as a substitute set of interrogatories on all

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Defendants on July 25, 2017. Defendants DDOC, the Delaware Department of Education (“DDOE”), David Pierce (“Pierce”) and Phil Parker (“Parker”) (collectively, “State Defendants”) served Plaintiff with responses to these discovery requests on September 14-15, 2017. It is Plaintiff’s position that the State Defendants’ responses were deficient, and Plaintiff is in the process of attempting to cooperatively address this issue with counsel for the State Defendants.

Plaintiff has not received any discovery responses from CCSP. However, in light of this Court’s Order granting CCSP’s Motion to Dismiss vis-à-vis Plaintiff and granting Plaintiff leave to file a Third Amended Complaint (D.I. 58), Plaintiff is not now pursuing discovery against CCSP, pending a decision on whether to file a Third Amended Complaint.

State Defendants add that they plan to seek a stipulation to the dismissal of any medical negligence or deliberate indifference claims against them or, alternatively, move for such relief, in light of the Court’s ruling.

We would be happy to provide any further information that the Court may request.

Respectfully submitted,

/s/ Christopher B. Chuff

Christopher B. Chuff (DE Bar No. 5729)
Associate

CBC/cgs

cc: Clerk of Court (by CM/ECF); Counsel of Record (by CM/ECF)